

FILED

JAN 16 2013

**Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**

Dean Arlo: Arp
Wanda Elene: Arp
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Auburn, WA 98092
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(p) 206-730-3258
Charles C: Miller
1402 Auburn Way N #416/417
Auburn, WA 98002
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Case: 1:13-cv-00067

Assigned To : Boasberg, James E.

Assign. Date : 1/16/2013

Description: Civil Rights-Non. Employ.

**JURY
ACTION**

United States District Court
for the
District of Columbia
Seat of Government

Dean Arlo: Arp,
Wanda Elene: Arp,
Charles C: Miller,

Plaintiffs,

v.

THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR KING COUNTY,

Hollis Holman
Sued In Private Capacity,

Brian D. Gain
Sued In Private Capacity,

Regina S. Cahan,

Civil Action No.

COMPLAINT FOR VIOLATION
OF CIVIL RIGHTS UNDER
FINDING UNITED STATES
CODE TITLE 42 § 1983,
PROCEDURE AS § 1986, § 1985,
§ 1981 CAUSES OF ACTION
(Title 18 USC § 241, § 242,
15 USC § 1515 et seq implicated)

Complaint for Violation of Civil Rights

Page 1

1

1 Sued In Private Capacity *MAJORS JUSTICE CENTER*)
2 *401 4TH AVE N. KENT, WA*)
3 Tracy J. Frazier *98031*)
4 Sued In Private Capacity *601 NW MARSHAL ST. #415*)
5 *PORTLAND, OR 97209*)
6 Rochelle L. Sanford *601 NW MARSHAL ST. #415*)
7 Sued In Private Capacity *PORTLAND, OR 97209*)
8 John and Jane Does, 1-199.)
9 Defendants)

- 10 1. This action arises under United States Constitution Article IV section 2 and 3;
- 11 Amendment to the United States Constitution Amendments IV, V, VI, I;
- 12 2. And, Federal statutes found by reference at 42 USC § 1981, § 1986, § 1985, 15 USC §
- 13 78 aa (18 §§ 241, 242, 1512, et seq implicated).
- 14 3. This Court's jurisdiction is invoked as is found by reference at 28 USC § 1331 and §
- 15 1346.
- 16 4. This Court's jurisdiction for issuing all Writs necessary is found by reference to 28 USC
- 17 § 1651 duly invoked each as more fully appears hereinafter.
- 18 5. This Court's Article III judicial power under United States Constitution jurisdiction is
- 19 invoked under District of Columbia Code Title 11, § 101, (1)(c).
- 20 6. Venue is correct and duly noted under District of Columbia Code § 13-421 and § 13-
- 21 422.

22 GENERAL ALLEGATIONS

23 PARTIES

1 I. Plaintiffs

- 2
- 3
- 4 7. Dean Arlo: Arp and Wanda Elene: Arp are a married couple for over 40 years being
- 5 inhabitants and State Citizens of the State of Washington, each holding the United
- 6 States of America Passport, Dean Arlo: Arp #___ and Wanda Elene: Arp #___, at all
- 7 times relevant hereto fully seized title holder to real property with titles, duly recorded
- 8 at King County Recorder's Office, owners of real and chattel properties at the basis of
- 9 this Civil Rights Action, each living in King County the State of Washington.
- 10
- 11
- 12 8. Charles C: Miller is qualified for assistance and interpreter to Wanda Elene: Arp acting
- 13 as Temporary Trustee or Wanda Elene: Arp's estate pending final agreements, State
- 14 Citizen of the State of Washington, inhabiting Dean Arlo: Arp's basement for over three
- 15 years, holding property interest in Dean Arlo: Arp and Wanda Elene: Arp's real and
- 16 chattel property and living in King County the State of Washington.
- 17
- 18 9. Dean Arlo: Arp, Wanda Elene: Arp, and Charles C: Miller, hereinafter Plaintiffs, are
- 19 providing testimony to offices and officers of the United States. All statements by
- 20 Plaintiffs are jointly made, of first hand personal knowledge duly sworn under the pains
- 21 and penalties of perjury under the laws of the United States of America found by
- 22 reference at 28 USC § 1746(1). Now duly sworn pursuant to Federal Rule of Evidence
- 23 501 and generally shall be governed by the principles of the common law.
- 24
- 25
- 26 10. Undersigned Plaintiffs, claiming protection under witness standing and capacity, report
- 27 wrongful acts herein which on information and belief are in violation of Federal Civil
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1 Rights guaranteed by Constitution to be provided to Plaintiffs by any and all federal
2 officers under personal oath and employment contracts to the public trust each serves.
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4

5 2. Defendants
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8 11. Defendant, THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND
9 FOR KING COUNTY, is believed to be a private, for profit entity holding same under
10 unknown federal registration operating under EIN 91-6001327, a federal employee,
11 pursuant to 5 USC § 552(a), (13). On information and belief, THE SUPERIOR
12 COURT OF THE STATE OF WASHINGTON IN AND FOR KING COUNTY
13 (hereinafter KCSC), located at Maleng Justice Center, 401 4th Ave N, Kent, WA
14 98032, is operating as a goods and services provider for the judicial power Superior
15 Court of King County, State of Washington and doing business in King County. See
16 Revised Code of Washington (RCW) 2.09.050 official seal of the Superior Court and
17 Article 4 Section 27 Washington Constitution, style of process shall be "The State of
18 Washington".
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22 12. Defendant, Hollis Holman, Maleng Justice Center, 401 4th Ave N, Kent, WA 98032, is
23 sued as a private individual whose employment is alleged to be as Commissioner of
24 KCSC acting as alleged judicial officer under color of state law at all times relevant
25 herein. Hollis is federal personnel pursuant to Title 5 USC § 552a,
26 (a)(13)..."individuals entitled to receive immediate or deferred retirement benefits
27 under any retirement program of the United States." under personal identifier known as
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1 social security number claimed by Defendant, Hollis Holman, living in the State of
2 Washington.

3
4 13. Defendant, Brian D. Gain, Maleng Justice Center, 401 4th Ave N, Kent, WA 98032, is
5 sued as a private individual whose employment is alleged to be as Judge of KCSC
6 acting as alleged judicial officer under color of state law at all times relevant herein.
7 Gain is federal personnel pursuant to Title 5 USC § 552a, (a)(13)...”individuals entitled
8 to receive immediate or deferred retirement benefits under any retirement program of
9 the United States.” under personal identifier known as social security number claimed
10 by Defendant, Brian D. Gain, living in the State of Washington.
11

12
13 14. Defendant, Regina S. Cahan, Maleng Justice Center, 401 4th Ave N, Kent, WA 98032,
14 is sued as a private individual whose employment is alleged to be as Judge of KCSC
15 acting as alleged judicial officer under color of state law at all times relevant herein.
16 Cahan is federal personnel pursuant to Title 5 USC § 552a, (a)(13)...”individuals
17 entitled to receive immediate or deferred retirement benefits under any retirement
18 program of the United States.” under personal identifier known as social security
19 number claimed by Defendant, Regina S. Cahan, living in the State of Washington.
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21
22 15. Defendant, Tracy J. Frazier, 621 SW Morrison Street, Suite 425, Portland, OR 97205, is
23 sued as a private individual whose employment is alleged to be as Attorney of PITE
24 DUNCAN LLP acting as alleged attorney under color of state law at all times relevant
25 herein. Frazier is federal personnel pursuant to Title 5 USC § 552a,
26 (a)(13)...”individuals entitled to receive immediate or deferred retirement benefits
27 under any retirement program of the United States.” under personal identifier known as
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1 social security number claimed by Defendant, Tracy J. Frazier, living in the State of
2 Oregon.
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4 16. Defendant, Rochelle L. Stanford, 4375 Jutland Drive, Suite 200, San Diego, CA 92117,
5 is sued as a private individual whose employment is alleged to be as Attorney of PITE
6 DUNCAN LLP acting as alleged attorney under color of state law at all times relevant
7 herein. Stanford is federal personnel pursuant to Title 5 USC § 552a,
8 (a)(13)...”individuals entitled to receive immediate or deferred retirement benefits
9 under any retirement program of the United States.” under personal identifier known as
10 social security number claimed by Defendant, Rochelle L. Stanford, living in the State
11 of California.
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13

14 17. Defendants, John and Jane Doe 1-199, hereinafter Does when identified as DOES
15 otherwise.
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17 18. The true names and capacities, whether individual or corporate, associate or otherwise
18 of Defendants named herein, as Does 1 through 199, are unknown to Plaintiffs who
19 therefore sues these Defendants in their fictitious names. Plaintiffs will ask leave to
20 amend this Complaint to show their true names and capacities when they have been
21 ascertained. Plaintiffs are informed and believe and therein allege that some of the
22 fictitious named Defendants claim some right, title, estate, lien, or interest in the subject
23 and described PROPERTY herein and are in support of other named Defendants which
24 is adverse to Plaintiffs’ Title and their claims, and each of them, constitute a cloud on
25 Plaintiffs’ Title to that PROPERTY identified below, the allegations of this Complaint
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1 have evidentiary support or are likely to have evidentiary support after a reasonable
2 opportunity for further investigation and discovery.
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5 SPECIAL ALLEGATIONS 6 7

8 19. At all times relevant hereto Defendant's claim they are legitimate government offices or
9 officers of the State of Washington and operate under Washington as publicly stated
10 perception, acting under color of state law.
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12 20. Plaintiffs are informed and believe, and thereon allege, that at all times herein
13 mentioned, Defendants were acting on their own behalf and as agents or employees of
14 each of the other Defendants, and the acts described hereinafter were done in the course
15 and scope of such agency or employment, as well as on their own behalf. Further,
16 Defendants' principals in the doing and manner, of the alleged acts or omissions, and
17 ratified said behavior, each of the other, unless otherwise specified Defendants Does
18 1 through 199 will be referred to collectively as "Defendants".
19
20

21 21. The allegations herein stated on information and belief has evidentiary support and is
22 based on public information.
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24 22. Plaintiffs are informed and believe and thereon allege that the contract creating the
25 government entity entitled the State of Washington is in the form of Constitutions. In
26 and on Washington the 1878 People's Organic Constitution and the 1889 federal
27 franchise Constitution and are controlling law. These contracts are the only legal
28 relationship between the People of Washington and the State of Washington and State
29
30

1 Citizens are grantors to all governmental powers pursuant to PREAMBLE, Article 1
2 DECLARATION OF RIGHTS, **"SECTION 1 POLITICAL POWER.** All political
3 power is inherent in the people, and governments derive their just powers from the
4 consent of the governed, and are established to protect and maintain individual rights."
5
6 And **"SECTION 2 SUPREME LAW OF THE LAND.** The Constitution of the United
7 States is the supreme law of the land." which supports this Civil Right's Violation
8 action. Plaintiffs rely on Article 1, Section 30 **"SECTION 30 RIGHTS RESERVED.**
9
10 The enumeration in this Constitution of certain rights shall not be construed to deny
11 others retained by the people.", Article 1 Section 3 **"SECTION 3 PERSONAL**
12 **RIGHTS.** No person shall be deprived of life, liberty, or property, without due process
13 of law.", Article 1, Section 7 **"SECTION 7 INVASION OF PRIVATE AFFAIRS**
14 **OR HOME PROHIBITED.** No person shall be disturbed in his private affairs, or his
15 home invaded, without authority of law.", Article 1, Section 12 **"SECTION 12**
16 **SPECIAL PRIVILEGES AND IMMUNITIES PROHIBITED.** No law shall be
17 passed granting to any citizen, class of citizens, or corporation other than municipal,
18 privileges or immunities which upon the same terms shall not equally belong to all
19 citizens, or corporations.", Article 1, Section 23 **"SECTION 23 BILL OF**
20 **ATTAINDER, EX POST FACTO LAW, ETC.** No bill of attainder, ex post facto law,
21 or law impairing the obligations of contracts shall ever be passed.", Article 1, Section
22 29 **"SECTION 29 CONSTITUTION MANDATORY.** The provisions of this
23 Constitution are mandatory, unless by express words they are declared to be
24 otherwise."
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1 23. Plaintiffs are informed and believe and thereon allege that Plaintiffs are obliges and the
2 Defendants public and private, are obligors as follows, inclusive of agents, employees,
3 and officers of, to, for the State of Washington and the United States. In contemplation
4 of faithful performance under written instrument with sureties, obligees herein accept;
5

6 a. That: the State of Washington and the United States, in all its guises, are
7 artificial entities [persons] made up of words, expressed on paper, available for
8 use by anyone who does business with the State of Washington or the United
9 States and that the State of Washington or the United States may have effect
10 upon;
11

12 b. That; All agents of the State of Washington and the United States, natural men,
13 flesh and blood, pledge their personal oath, the bond, a security, to act
14 exclusively within the written and known authorities of the State of Washington
15 and the United States when they appear to operate under its color;
16

17 c. That; Any agent, actors all, acting without the explicit written words
18 empowering the State of Washington or the United States, deny the State of
19 Washington or the United States the ability, their absolute duty, to fulfill written
20 obligations, to keep the promises as stated by the written words, beginning with
21 its State of Washington Charter, its Constitution, and the United States Charter
22 issued by the states, the United States Constitution;
23

24 d. That; There is no defense or limitation, for acts outside the express statements in
25 writings issued by the State of Washington or the United States for execution by
26 their agents, bonded offer, for open, notorious, general, reliance and execution.
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1 24. All written statements issued by the State of Washington and the United States, their
2 agents obligors, are offers to perform, admission of obligation now duly accepted for
3 execution.
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5 25. Obligees, Dean Arlo: Arp, Wanda Elene: Arp, and Charles C: Miller, have discovered
6 that we have been an involuntary Contributing Beneficiaries to the State of Washington
7 and the United States as Federal corporations, through the alleged constructive entity,
8 entitled DEAN ARLO ARP, WANDA ELENE ARP, and CHARLES C MILLER in the
9 commercial for profit Federal corporations. This new information has been obtained
10 through due diligence from sources of integrity, the open, general, notorious, words
11 issued by the State of Washington and the United States, and their instrumentalities.
12 The State of Washington and the United States promised obligations and duties for
13 certified equity calls are guaranteed to be performed by all STATE OF WASHINGTON
14 and THE UNITED STATES agents attaching Plaintiffs herein or attempting to do
15 business with, Dean Arlo: Arp, Wanda Elene: Arp, and Charles C: Miller, the flesh and
16 blood sentient beings, through instrumentalities, through the entity called and identified
17 as DEAN ARLO ARP, WANDA ELENE ARP, and CHARLES C MILLER results in a
18 trust being established under such acts and or omissions. Those attaching Us, Dean
19 Arlo: Arp, Wanda Elene: Arp, and Charles C: Miller, operate as trustees with fiduciary
20 obligations to the Res of that alleged trust. Our rights, liberties, held under names
21 DEAN ARLO ARP, WANDA ELENE ARP or CHARLES C MILLER, our private
22 labor, are private equities, which have been taken as value, a fungible in and for the
23 support of the State of Washington and the United States as Federal corporations in
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1 their operations by their agents, through their instrumentalities. This taking is payment.
2 We, Dean Arlo: Arp, Wanda Elene: Arp, and Charles C: Miller, now call due the
3 reimbursement owed by the State of Washington and the United States and all its bond
4 agents who operate in the State of Washington or the United States as instrumentalities
5 off and from the attachment of Us and others, due to prior contributions taken,
6 voluntary under full disclosure or, without disclosure or consent. With or without
7 consent the fact is the value has been taken, accepted, used, which creates the obligation
8 on the acceptor to return the goods and services paid for in the form of performance, to
9 wit: Thereby all actors, agents, employees, and officers of THE SUPERIOR COURT
10 OF WASHINGTON IN AND FOR KING COUNTY and THE UNITED STATES hold
11 obligations under paid performance under this contract.
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16 26. Plaintiffs on information and belief and thereon allege that obligees herein, above
17 identified are grantors to all governmental powers held by the State of Washington and
18 the United States of America and the United States, pursuant to Unanimous Declaration
19 of the thirteen United States of America 1776, Articles of Confederation 1781,
20 Northwest Ordinance under Confederated Authorities 1787 and Constitution of the
21 United States, 1791.
22
23

24 27. And, Plaintiffs are informed and believe and thereon allege that the United States is the
25 service corporation to the Confederated Union of States pursuant to Article VI of the
26 United States Constitution as engaged construction of the States United by the
27 Confederation under Article VI of the United States admission of states grantors
28 construction under Constitution verified by Article VII.
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1 28. And, Plaintiffs on information and belief and thereon allege that the Federal Rules of
2 Court Procedure Rule 1 is an offer to contract for the providing of services in the nature
3 of adjudication under the contract terms alleged above at 1 through 27 whereby
4 Plaintiffs accept the offer for securing the just, speedy, and inexpensive determination
5 to this Civil Rights Violation Action, returning the requested Complaint with fees paid,
6 perfection of contract.
7
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9 29. The allegations above inclusive have evidentiary support under open public records and
10 are likely to reach proof of fact qualifying as Mandatory Judicial Notice under Federal
11 Rule of Evidence 201 and controlling of presumptions under Rule 301 of Evidence
12 Rules.
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16 ALLEGATIONS II

17

18 30. Plaintiffs are informed and believe, on first hand personal knowledge and thereon allege
19 that the above declarations, paragraphs 1 through 29 establish full capacity and standing
20 of Plaintiffs to invoke the judicial and executive powers of the United States for the
21 protection of our rights, property, property rights. And, that any objections to said
22 standings and capacities will be noticed to us forthwith so we may respond. And, that
23 without such notice and objection, Plaintiffs' capacities and standings are fully
24 recognized nunc pro tunc date of birth on the soil of the respective states, Dean Arlo:
25 Arp and Wanda Elene: Arp, Tama County, Iowa, and Charles C: Miller, Hot Springs
26 County, Wyoming.
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1 31. Thereby, Plaintiffs require protection by federal actions enforcing the laws as written
2 while reporting wrongs of both state and federal constitutions and laws and rules of
3 Court as Plaintiffs are witnesses in this federal action.
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FACTS SUPPORTING CAUSES OF ACTION

32. Plaintiffs, Dean Arlo: Arp and Wanda Elene: Arp, purchased homes in Washington
beginning in 2000. The current homes are in King County with purchase of 37419
Auburn Enumclaw Rd. SE, Auburn, WA 98092 in the year 2000, state case no. 12-2-
23496-5 KNT and the home at 37326 Auburn Enumclaw Rd. SE, Auburn, WA 98092,
state case no. 11-2-41312-8 KNT, in 2005. Purchases were transacted in the then
standard practices of the BANK/FINANCE/MORTGAGE BUSINESS. All payments
under those transactions were made to a date certain identified below.

33. Beginning in 2008, Plaintiffs, Dean Arlo: Arp and Wanda Elene: Arp, discovered
through public news that the BANK/FINANCE/MORTGAGE BUSINESS in not only
Washington but across America had engaged its fraudulent practices in almost every
facet of the mortgage transactions.

34. Dean Arlo: Arp and Wanda Elene: Arp began at some point in late 2008 to engage in
active research into the practices associated with mortgages by the parties related to
those transactions.

35. Plaintiff Miller became a tenant of the Arps in 2009 midyear. Together, the Plaintiffs
actively researched the BANK/FINANCE/MORTGAGE BUSINESS. The research

1 was limited to open public documents issued for reliance by numerous and varied
2 government agencies both executive and judicial such as Consent Judgments between
3 BANKS and the Office Comptroller of the Currency and state and federal court
4 decisions and other executive branch actions both state and federal.
5

6 36. Plaintiffs discovered that relatively all alleged MORTGAGE TRANSACTIONS
7 followed the same form and flow and that the documents moving the alleged transaction
8 were "industry standardized".
9

10 37. Plaintiffs discovered that judicial decisions in BANK/FINANCE/MORTGAGE
11 BUSINESS transactions were not being given full faith and credit as required by Article
12 IV, Sections 1 and 2 of the United States Constitution. And, that the ignoring of court
13 decisions benefitting homeowners over BANKS et al were not being recognized not
14 only between courts of different states or jurisdictions but that this practice was rampant
15 in the state courts even within the same counties.
16

17 38. In late 2009, Plaintiffs became convinced that the practices by and through the
18 BANK/FINANCE/MORTGAGE BUSINESS inclusive of almost every alleged
19 mortgage transaction was incorporating some sort of fraud. And, that BADGES OF
20 FRAUD, massive evidence of appearance, suspicion upon the Arp's alleged mortgage
21 transactions called for a clearing up and explanation!
22

23 39. In late 2009, the Plaintiffs, Dean Arlo: Arp and Wanda Elene: Arp, presented as Notice
24 of Mistake, Request for Assistance to alleged lenders, BANKS. These letters were sent
25 certified mail to ALL the alleged lender parties, inclusive of attorneys and trustees of
26 alleged mortgages.
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1 40. Not one of the recipients responded with the documents requested under state and
2 federal laws verifying their positions as required by state and federal consumer
3 protection laws.
4

5 41. After 40+ days from the time the QWRs were received by the BANKS et al. The Arps
6 made a personal, legal, and moral decision to not be associated with any type of
7 fraudulent practice.
8

9 42. Plaintiffs discovered that;

- 10 a. Fraud of any sort voids a contract.
- 11 b. No one may be forced or coerced into cooperating with what they believe and
12 have evidence showing fraud.
- 13 c. A void contract cannot be enforced.
- 14 d. Rights under voided contract cannot be transferred.
- 15 e. Void contracts cannot be ratified.
- 16 f. Public policy cannot support fraudulent acts.
- 17 g. Material or fraudulent misrepresentation such as QWRs not being responded to
18 according to law voids the transaction ab initio on criminal and torturous acts or
19 omissions.
- 20 h. Failure of consideration or the presence of the proof of consideration being of
21 record in the transaction voids the transaction.
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26 43. Plaintiffs discovered that the alleged Deed of Trust, with alleged solvent BANKS or
27 lenders, is a security agreement, a purchase money security interest. RCW 62A-9-103.
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1 44. Plaintiffs discovered that the Uniform Commercial Code covered the security interest
2 issues. And, that the alleged lender or BANK sold a bill of goods.

3
4 45. Plaintiffs discovered that the alleged lenders, BANKS, were insolvent.

5 46. On or about November 16, 2009, the Arps CANCELLED the Deeds of Trust for both
6 homes and Promissory Notes attached thereto and filed the CANCELLED documents at
7 the King County Recorder's Office on cause of fraud. Cancellation is authorized under
8 RCW 2-106(4) in the nationalized Uniform Commercial Code.
9

10 47. All related parties to the now CANCELLED FOR FRAUD transactions were noticed
11 via registered and certified U.S. mail inclusive of;
12

13 a. BANKS

14 b. Lenders

15 c. General Counsels for each

16 d. Title insurance companies inclusive of claims demands

17 e. Trustees

18 f. Servicers
19
20

21 48. The Office of Comptroller of the Currency was noticed of said CANCELLATION and
22 cause of fraud written across the very instruments, Deeds of Trust and Promissory
23 Notes, with grantors of said instruments signatures duly verified and ratified. An
24 investigation was apparently initiated. Plaintiffs received neither verification of
25 reported wrong doing nor a verification of file number of the alleged investigation.
26
27

28 49. None of the recipient parties responded with any attempt to clear up the fraud
29 allegations even though the appropriate parties were noticed that the funds alleged to be
30

1 owed would be released from protection, held away from association with fraudulent
2 practices.

3
4 50. The recipient BANK et al parties were advised in writing that once the fraudulent
5 practices issue was addressed and cleared up they could claim their alleged funds.

6 51. Plaintiffs continued to research the BANK/FINANCE/MORTGAGE BUSINESS and
7 discovered that;

8
9 a. The alleged BANK/LENDER never committed to a loan and that in order for
10 any loan to take place by a BANK corporation there must be a complete record
11 of same with officer's signature disclosing to alleged borrower;

12
13 1) The source of the funds,

14 2) The history of the funds,

15 3) The ownership of the funds,

16 4) The transfer of ownership of the funds to the alleged borrower,

17 5) Authorities to commit to a loan,

18 6) Transfer records between accounts and parties.

19
20
21 b. The alleged BANK/LENDER actually used Plaintiffs' application for a loan as a
22 claim document to obtain a credit from the Federal Reserve to the
23 BANK/LENDER that is ledgered to an account in alleged borrower's name,
24 Plaintiffs herein.

25
26 c. **The alleged lender, "BANK" essentially split the note from the security**
27 **instrument Deed of Trust (DOT) at the time of recording using the note as**
28 **a deposit to back the check to the seller and the DOT as a security sold into**
29

1 pools in a REAL ESTATE INVESTMENT TRUST (REIT) gaining two
2 payments for the same alleged loan.
3

4 d. The alleged lender, "BANK", did not report the income from all revenue
5 streams to the IRS.

6 e. The alleged lender, "BANK" did not show Plaintiffs anything of value
7 transferred to Plaintiffs as a loan.
8

9 f. The alleged lender, "BANK" issued credit it received from the Federal Reserve
10 to the seller in a basic PONZI SCHEME.
11

12 g. The alleged lender, "BANK" has no value in the transaction and used the seller
13 as a STRAW MAN to issue credit as payment into commerce.
14

15 **52. The Plaintiffs' research included government documents, tax reports, court cases,**
16 **executive branch actions and material of like kind each a small piece to a large puzzle**
17 **resulting in one issue stated as; WITH NO PROOF OF CONSIDERATION ON**
18 **THE RECORD OF THE ALLEGED MORTGAGE TRANSACTION, THERE IS**
19 **NO ENFORCEABLE CONTRACT. AND, ALL ATTEMPTS TO ENFORCE**
20 **SUCH IS A FRAUD AND CONSPIRACY IN FRAUD BY ALL ACTORS**
21 **TOUCHING SUCH ATTEMPS TO EXECUTE UNDER SUCH FRAUD AND**
22 **FAILURE OF CONSIDERATION.**
23
24

25 53. Plaintiffs also discovered the maximums of law and equity;

26 a. **NO ONE MAY BE FORCED TO COOPERATE WITH WHAT IS**
27 **BELIEVED TO BE A FRAUD.**
28

29 b. **EQUITY WILL NOT ENFORCE AN UNCONSIONABLE CONTRACT.**
30

1 c. **HE WHO SEEKS EQUITY MUST DO EQUITY.**

2 54. Subsequent to the early 2010 Notice of Cancellation to all parties claiming interest in
3 Plaintiffs' properties, the evidence of the fraud began to come out in the worldwide
4 public news and government reports of compounding and accumulating wrong doing by
5 BANK/FINANCE/MORTGAGE BUSINESS co-venture parties. A small portion of the
6 highlights are listed below;
7

8 a. 2010 U.S. Securities and Exchange Commission investigations and actions
9 against BANKS AND SECURITIES DEALERS from GOLDMAN SACHS TO
10 BANK OF AMERICA TO CITIBANK, to smaller entities such as COLONIAL
11 BANK GROUP INC. and all local "BANK" , securities issuers, traders, and
12 brokers from top to bottom.
13

14 b. 2011 Office of Comptroller of the Currency obtained Consent Judgments with
15 over 20 major BANKS and many smaller entities for lending, servicing,
16 foreclosure practices deemed, admitted as wrongful, illegal, and outside public
17 policy regulating schemes, acts and omissions with fines paid and sanctions
18 issued. The sanctions and agreements by alleged "BANKS" were ignored
19 completely to the point that action was taken by all 50 state Attorney Generals
20 and the Department of Justice in 2012.
21

22 c. In 2012, the 50 state Attorney Generals and the U.S. Department of Justice
23 engaged the National Mortgage Settlement Agreement, which included fines
24 paid and checks or vouchers issued to homeowners, inclusive of Plaintiffs herein
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1 for damages due to BANK/FINANCE/MORTGAGE FORECLOSURE FRAUD
2 AND FRAUDULENT PRACTICES.
3

- 4 d. In 2012, the Attorney General of Washington registered with the U.S. District
5 Court Western District of Washington Consent Judgment with RECONTRUST
6 INC. for fraudulent practices with fines paid.
7
- 8 e. The activities herein go back to a minimum of 2008 on authority of the OCC,
9 National Mortgage Settlement, and Washington Attorney Generals' Consent
10 Judgments.
11
- 12 f. The Consent Judgments qualify as admission and confession of wrong doing
13 under RCW 4.60.080 as signed duly filed and registered for public record.
14
- 15 g. In 2012, FEDERAL HOUSING FINANCE AGENCY (FHFA) filed suit in New
16 York and other places with documented proofs that securities issued to
17 Government Sponsored Entities such as FEDERAL NATIONAL MORTGAGE
18 ASSOCIATION (FNMA), FEDERAL HOME LOAN MORTGAGE
19 CORPORATION (FHLMC), FARM HOME ADMINISTRATION (FHA), by
20 BANK/FINANCE/MORTGAGE BUSINESS were fraudulent, of no value.
21 FHFA, as conservator to FNMA, FHLMC, and FHA is a direct government
22 agency having holder in due course status of liabilities for all FNMA's,
23 FHLMC's, and FHA's acts or omissions.
24
- 25 h. FHFA, as Conservator, is accountable to the People, taxpayers, for BAILOUT
26 funds received by the "BANKS ET AL".
27
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1 i. In 2012, the Supreme Court of the State of Washington ruled that only direct
2 parties to a transaction may act. The case came under guise of MORTGAGE
3 ELECTRONIC REGISTRATION SYSTEMS (MERS) yet exposed other parties
4 of the same position as not holding standing to act in the transaction to foreclose
5 or participate in foreclosure practices. See Bain v. Metropolitan Mortgage
6 Group Inc. et al case no. 86206-1 (consolidated with No. 86207-9).
7

8
9 55. The allegations above, paragraphs – through – have evidentiary support, are of
10 notorious public record, before the entire world, generally and openly known to
11 Defendants jointly and severally and are likely to have even more evidentiary support,
12 very probably proof of fact after a reasonable opportunity for further investigation and
13 discovery.
14
15

16 17 ALLEGATIONS III 18

19
20 56. Beginning in early 2009, Plaintiffs recognized certain facts causing belief that the
21 Courts of Washington were in fact and law supporting fraudulent practices by confessed
22 wrong doers and that these alleged courts' officers were receiving personal benefit for
23 their failing to ensure all the laws and legal protection to property owners was in fact
24 provided in each action on foreclosed homes. And, that the prior rulings in foreclosure
25 cases by Defendants know to be voidable or void were not attempted to be cleared up.
26
27

28 57. Plaintiffs are informed and believe and thereon allege that at all times herein mentioned
29 and relevant that Defendants knew, should have known, and had knowledge that each
30

1 and every BANK/FINANCE/MORTGAGE/FORECLOSURE issue before Defendants
2 was covered in Badges of Fraud. Further, that each of the Defendants' acts or
3 omissions were done under color of official right as well as on their own behalf with
4 economic benefit for personal gain in the interest that could be substantially affected by
5 the outcome of a proceeding before a judge or alleged judge. Plaintiffs' allegations
6 have evidentiary support after a reasonable opportunity for further investigation or
7 discovery.
8
9

10 58. Plaintiffs are informed and believe and thereon allege that at all times herein
11 mentioned and relevant herein that Defendants hold a higher duty and knowledge by
12 and through their alleged operation on behalf of the Public Trust identified at RCW
13 42.52.900 "Legislative declaration."
14
15

16 Government derives its powers from the people. Ethics in government are the
17 foundation on which the structure of government rests. State officials and employees of
18 government hold a public trust that obligates them, in a special way, to honesty and
19 integrity in fulfilling the responsibilities to which they are elected and appointed.
20 Paramount in that trust is the principle that public office, whether elected or appointed,
may not be used for personal gain or private advantage.

21 The citizens of the state expect all state officials and employees to perform their
22 public responsibilities in accordance with the highest ethical and moral standards and to
23 conduct the business of the state only in a manner that advances the public's interest.
24 State officials and employees are subject to the sanctions of law and scrutiny of the
25 media; ultimately, however, they are accountable to the people and must consider this
26 public accountability as a particular obligation of the public service. Only when affairs
of government are conducted, at all levels, with openness as provided by law and an
unswerving commitment to the public good does government work as it should.

27 The obligations of government rest equally on the state's citizenry. The effectiveness
28 of government depends, fundamentally, on the confidence citizens can have in the
29 judgments and decisions of their elected representatives. Citizens, therefore, should
30 honor and respect the principles and the spirit of representative democracy, recognizing

1 that both elected and appointed officials, together with state employees, seek to carry
2 out their public duties with professional skill and dedication to the public interest. Such
3 service merits public recognition and support.

4 All who have the privilege of working for the people of Washington state can have but
5 one aim: To give the highest public service to its citizens."

6 And, RCW 42.53.030 sets the service to Plaintiffs as well. "Financial interests in
7 transactions.

8 (1) No state officer or state employee, except as provided in subsection (2) of this
9 section, may be beneficially interested, directly or indirectly, in a contract, sale, lease,
10 purchase, or grant that may be made by, through, or is under the supervision of the
11 officer or employee, in whole or in part, or accept, directly or indirectly, any
12 compensation, gratuity, or reward from any other person beneficially interested in the
13 contract, sale, lease, purchase, or grant.

14 (2) No state officer or state employee may participate in a transaction involving the state
15 in his or her official capacity with a person of which the officer or employee is an
16 officer, agent, employee, or member, or in which the officer or employee owns a
17 beneficial interest, except that an officer or employee of an institution of higher
18 education or the *Spokane intercollegiate research and technology institute may serve
19 as an officer, agent, employee, or member, or on the board of directors, board of
20 trustees, advisory board, or committee or review panel for any nonprofit institute,
21 foundation, or fund-raising entity; and may serve as a member of an advisory board,
22 committee, or review panel for a governmental or other nonprofit entity.

23 Plaintiffs' allegations have evidentiary support after a reasonable opportunity for further
24 investigation or discovery.

25 59. Plaintiffs are informed and believe and thereon allege that at all times herein mentioned
26 and relevant that Defendants failed to correct acts and omissions upon which they
27 passed judgment that negatively affected Washington Homeowners. And, currently
28 refuse, with willful intent to obstruct Plaintiffs from presenting defenses to actions
29 against Plaintiffs' real property.

30 60. In 2010, Plaintiffs' research exposed that every court employee at any and all levels
participates in a benefit system that is minimum 60% invested in mortgage backed

1 securities, other bank and financial products tied to mortgage backed securities. It was
2 also discovered that Defendants were noticed of this conflict of interest. Plaintiffs
3 caused such notice to be duly served on the Supreme Court of the State of Washington
4 and the Chief Judge of King County Superior Court. Defendants inclusive of Does 1-
5 199 failed to act to address or clarify this conflict. RCW 42.52.020 defines the law
6 clearly "Activities incompatible with public duties. No state officer or state employee
7 may have an interest, financial or otherwise, direct or indirect, or engage in a business
8 or transaction or professional activity, or incur an obligation of any nature, that is in
9 conflict with the proper discharge of the state officer's or state employee's official
10 duties."
11
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13

14
15 61. RCW 42.52.150 continues to refine the conflict of interest. "Limitations on gifts.

16
17 (1) No state officer or state employee may accept gifts, other than those specified in
18 subsections (2) and (5) of this section, with an aggregate value in excess of fifty dollars
19 from a single source in a calendar year or a single gift from multiple sources with a
20 value in excess of fifty dollars. For purposes of this section, "single source" means any
21 person, as defined in RCW 42.52.010, whether acting directly or through any agent or
22 other intermediary, and "single gift" includes any event, item, or group of items used in
23 conjunction with each other or any trip including transportation, lodging, and attendant
24 costs, not excluded from the definition of gift under RCW 42.52.010. The value of gifts
25 given to an officer's or employee's family member or guest shall be attributed to the
26 official or employee for the purpose of determining whether the limit has been
27 exceeded, unless an independent business, family, or social relationship exists between
28 the donor and the family member or guest.

29 (2) Except as provided in subsection (4) of this section, the following items are
30 presumed not to influence under RCW 42.52.140, and may be accepted without regard
to the limit established by subsection (1) of this section:

(a) Unsolicited flowers, plants, and floral arrangements;

(b) Unsolicited advertising or promotional items of nominal value, such as pens and

1 note pads;

2 (c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy,
3 desk item, wall memento, or similar item;

4 (d) Unsolicited items received by a state officer or state employee for the purpose of
5 evaluation or review, if the officer or employee has no personal beneficial interest in
6 the eventual use or acquisition of the item by the officer's or employee's agency;

7 (e) Informational material, publications, or subscriptions related to the recipient's
8 performance of official duties;

9 (f) Food and beverages consumed at hosted receptions where attendance is related
10 to the state officer's or state employee's official duties;

11 (g) Gifts, grants, conveyances, bequests, and devises of real or personal property, or
12 both, in trust or otherwise accepted and solicited for deposit in the legislative
13 international trade account created in RCW 43.15.050;

14 (h) Gifts, grants, conveyances, bequests, and devises of real or personal property, or
15 both, in trust or otherwise accepted and solicited for the purpose of promoting the
16 expansion of tourism as provided for in *RCW 43.330.090;

17 (i) Gifts, grants, conveyances, bequests, and devises of real or personal property, or
18 both, solicited on behalf of a national legislative association, 2006 official conference
19 of the national lieutenant governors' association, or host committee for the purpose of
20 hosting an official conference under the circumstances specified in
21 RCW 42.52.820 and section 2, chapter 5, Laws of 2006. Anything solicited or accepted
22 may only be received by the national association or host committee and may not be
23 commingled with any funds or accounts that are the property of any person;

24 (j) Admission to, and the cost of food and beverages consumed at, events sponsored
25 by or in conjunction with a civic, charitable, governmental, or community
26 organization; and

27 (k) Unsolicited gifts from dignitaries from another state or a foreign country that are
28 intended to be personal in nature.

29 (3) The presumption in subsection (2) of this section is rebuttable and may be
30 overcome based on the circumstances surrounding the giving and acceptance of the
item."

1 63. And further, RCW 42.52.160. "Use of persons, money, or property for private gain.

2
3 (1) No state officer or state employee may employ or use any person, money, or
4 property under the officer's or employee's official control or direction, or in his or her
5 official custody, for the private benefit or gain of the officer, employee, or another.

6 (2) This section does not prohibit the use of public resources to benefit others as
7 part of a state officer's or state employee's official duties.

8 (3) The appropriate ethics boards may adopt rules providing exceptions to this
9 section for occasional use of the state officer or state employee, of de minimis cost
10 and value, if the activity does not result in interference with the proper performance
11 of public duties."

12 defines context of beneficial interest of one acting as a judge in harmony with Code
13 of Conduct Canon 1."

14 "RULE 1.1, Compliance with the Law, A judge shall comply with the law,*
15 including the Code of Judicial Conduct.

16 RULE 1.2, Promoting Confidence in the Judiciary, A judge shall act at all times in a
17 manner that promotes public confidence in the independence,* integrity,* and
18 impartiality* of the judiciary, and shall avoid impropriety and the appearance of
19 impropriety.*

20 [5] Actual improprieties include violations of law, court rules, or provisions of this
21 Code. The test for appearance of impropriety is whether the conduct would create in
22 reasonable minds a perception that the judge violated this Code or engaged in other
23 conduct that reflects adversely on the judge's honesty, impartiality, temperament, or
24 fitness to serve as a judge.

25 RULE 1.3, Avoiding Abuse of the Prestige of Judicial Office, A judge shall not abuse
26 the prestige of judicial office to advance the personal or economic interests* of the
27 judge or others, or allow others to do so.

28 RULE 2.1, Giving Precedence to the Duties of Judicial Office, The duties of judicial
29 office, as prescribed by law,* shall take precedence over all of a judge's personal and
30 extrajudicial activities.

RULE 2.4, External Influences on Judicial Conduct,

(A) A judge shall not be swayed by public clamor, or fear of criticism.

COMMENT, [1] Judges shall decide cases according to the law and facts, without
regard to whether particular laws or litigants are popular or unpopular with the

1 public, the media, government officials, or the judge's friends or family.

2 RULE 2.6, Ensuring the Right to Be Heard, (A) A judge shall accord to every person
3 who has a legal interest in a proceeding, or that person's lawyer, the right to be heard
4 according to law.*

5 COMMENT, [1] The right to be heard is an essential component of a fair and
6 impartial system of justice. Substantive rights of litigants can be protected only if
7 procedures protecting the right to be heard are observed.

8 RULE 2.11, Disqualification, (A) A judge shall disqualify himself or herself in any
9 proceeding in which the judge's impartiality* might reasonably be questioned,
10 including but not limited to the following circumstances:

11 (1) The judge has a personal bias or prejudice concerning a party or a party's
12 lawyer, or personal knowledge* of facts that are in dispute in the proceeding.

13 (B) A judge shall keep informed about the judge's personal and fiduciary economic
14 interests, and make a reasonable effort to keep informed about the personal economic
15 interests of the judge's spouse or domestic partner and minor children residing in the
16 judge's household.

17 COMMENT, [2] A judge's obligation not to hear or decide matters in which
18 disqualification is required applies regardless of whether a motion to disqualify is
19 filed."

20 64. The Terminology section of the Code of Ethics set out by Commission on Judicial
21 Conduct at Economic Interest is clear.

22 "“Economic interest” means ownership of more than a de minimis legal or equitable
23 interest. Except for situations in which the judge participates in the management of
24 such a legal or equitable interest, **or the interest could be substantially affected by
25 the outcome of a proceeding before a judge**, it does not include:

26 (1) an interest in the individual holdings within a mutual or common investment
27 fund;

28 (2) an interest in securities held by an educational, religious, charitable, fraternal,
29 or civic organization in which the judge or the judge's spouse, domestic partner,
30 parent, or child serves as a director, an officer, an advisor, or other participant;

(3) a deposit in a financial institution or deposits or proprietary interests the judge
may maintain as a member of a mutual savings association or credit union, or similar
proprietary interests; or

(4) an interest in the issuer of government securities held by the judge. See Rules
1.3 and 2.11. ”

1 65. Plaintiffs are informed and have belief and thereon allege that none of the Defendants
2 recognized these binding rules. No judge in King County Superior Court has
3 disqualified themselves for having a direct beneficial interest in every
4 mortgage/foreclosure case before them. Defendants, Holman, Gain, and Cahan were
5 presented with both written documents and oral testimony duly sworn that fraud in
6 many varieties and flavors were and are at the root of case no. 11-2-41312-8 KNT
7 and case no. 12-23496-5 KNT KCSC. Defendants Holman, Gain, and Cahan
8 proceeded to ratify fraud of what was on the docket before them.
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10
11

12 66. Plaintiffs' allegations have not only evidentiary support but court files duly of record
13 in support of this Complaint and are likely, after reasonable opportunity for further
14 investigation and/or discovery to provide proof of official record as support for
15 allegations herein.
16

17 FIRST CAUSE OF ACTION

18 Failure to Prevent

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21 67. Plaintiffs incorporate paragraphs 1 through 66 herein.
22

23 68. Plaintiffs are seeking protection of federal law 42 USC § 1986. The allegations
24 herein show Defendants are in direct violation of applying known facts and law under
25 specific ethics. Defendants have no right to know of a wrong, to act in conspiracy,
26 while having power to prevent the wrong without being held accountable.
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1 69. Plaintiffs' right to be heard to present all the facts and law beneficial to property
2 rights and property interest has been neglected with resulting damage that is about to
3 accrue through loss of property on contested title is good cause for this action.
4

5 70. Defendants have no legal right to conspire among themselves and with others to bar
6 all the facts and law known to them from being applied in actions to which they are a
7 party.
8

9
10 71. Plaintiffs have the right to hold those acting under color of official right accountable
11 for damages as stated herein.
12

13 SECOND CAUSE OF ACTION

14 Conspiracy

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17 72. Plaintiffs apply 42 USC § 1985 to secure the right to equal protection of the laws of
18 both Washington and the United States.
19

20 73. Defendants, each being of competent at law, professionals at law, public offices of
21 law, public officers of court, know that when two or more act to prevent Plaintiffs
22 from obtaining even the smallest amount of equal access to the equal protections of
23 the law, a conspiracy in violation of law is completed.
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1 in front of them were providing value to their retirement and benefit system. The
2 conspiracy is perfected because plaintiffs did not receive notice from Defendants that
3 the appearance, the possibility of conflict of interest, was present.
4

5 6 7 THIRD CAUSE OF ACTION

8 Contract Rights 9

10 75. Plaintiffs discovered fraud in BANK/FINANCE/MORTGAGE transactions and made
11 the moral and legal choice to protect themselves from moral hazard and legal
12 consequence for being associated with a fraud or transaction covered by Badges of
13 Fraud. Plaintiffs, under the contract and law at the time of the alleged mortgage
14 contract, CANCELLED all legal obligations that could be claimed under the alleged
15 mortgage contract.
16
17

18 76. Title 42 USC § 1981, definitive, part of the rights protected under federal law as
19 termination of contracts. Defendants' acts and omissions shows intent and action by
20 failure to recognize Plaintiffs' right as grantor, to, sole signatories to alleged
21 contracts, agreements, obligations to cancel the contracts, agreements, and
22 obligations on good cause of fraud and to rely on state law to do so. Section 1981
23 also protects impairment of Plaintiffs' contract rights from impairment by non-
24 governmental discrimination or impairment under color of state law from the date of
25 the original alleged contract.
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1 77. Plaintiffs allege that attempted theft of property, homes, is in process by Defendants
2 inclusive through the color of law or legal process when each Defendant knows that
3 two titles to the same property must be fully adjudicated under full due process of law
4 according to State of Washington Constitution and laws and original jurisdiction of
5 State of Washington Superior Courts, and laws of the United States and its
6 Amendments to the United States Constitution.
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11 FOURTH CAUSE OF ACTION
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14 78. The liability of Defendants under 42 USC § 1983 is subject matter of this action.
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18 FIFTH CAUSE OF ACTION
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20 Conversion
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22 79. Beginning in 2011, Defendants attempted to convert to the Defendants' own use real
23 property owned by the Plaintiffs. The property converted are homes located at 37326
24 Auburn Enumclaw Rd. SE, Auburn, WA 98092 and 37419 Auburn Enumclaw Rd.
25 SE, Auburn, WA 98092.
26
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RELIEF

80. Wherefore, the Plaintiffs demand Judgment against Defendants and each of them jointly and severally as follows;

- a. For Conversion \$5,000,000.00
- b. For Punitive Damages on all causes of action \$5,000,000.00
- c. For Exemplary Damages on all causes of action \$5,000,000.00
- d. Release of all claims, actions, and records trespassing on Plaintiffs' real property titles.
- e. Reference by this Court as based on the pleadings and evidence before this Court to federal investigators to fully investigate payment to judicial officers directly or indirectly by BANKS or FINANCIAL or INVESTMENTS Institutions which are derived from mortgage backed assets of any type.
- f. For civil penalties pursuant to statute, restitution of integrity of Washington's Court system, injunction relief and reasonable expenses and investigators' fees.
- g. For reasonable compensation of Plaintiffs' time and other such relief as the Court deems just and proper.

Done this 14th day of January 2013.

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